

Introduced by Senator WolkFebruary 27, 2009

An act to amend Section 987.5 of the Penal Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 676, as introduced, Wolk. Court-appointed counsel: defendant registration fees.

Under existing law, every defendant, when represented by appointed counsel, is required to be assessed a registration fee not to exceed \$25, but the fee is not required of any defendant that is financially unable to pay it. Under existing law, these provisions are operative in a county only upon the adoption of a resolution by the board of supervisors electing to establish the registration fee.

This bill would increase the maximum for that registration fee to \$50.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 987.5 of the Penal Code is amended to
2 read:
3 987.5. (a) Every defendant shall be assessed a registration fee
4 not to exceed ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* when
5 represented by appointed counsel. Notwithstanding this
6 subdivision, no fee shall be required of any defendant *that is*
7 financially unable to pay the fee.
8 (b) At the time of appointment of counsel by the court, or upon
9 commencement of representation by the public defender, if prior
10 to court appointment, the defendant shall be asked if he or she is

1 financially able to pay the registration fee or any portion thereof.
2 If the defendant indicates that he or she is able to pay the fee or a
3 portion thereof, the court or public defender shall make an
4 assessment in accordance with ability to pay. No fee shall be
5 assessed against any defendant who asserts that he or she is unable
6 to pay the fee or any portion thereof. No other inquiry concerning
7 the defendant's ability to pay shall be made until proceedings are
8 held pursuant to Section 987.8.

9 (c) No defendant shall be denied the assistance of appointed
10 counsel due solely to a failure to pay the registration fee. An order
11 to pay the registration fee may be enforced in the manner provided
12 for enforcement of civil judgments generally, but may not be
13 enforced by contempt.

14 (d) The fact that a defendant has or has not been assessed a fee
15 pursuant to this section shall have no effect in any later proceedings
16 held pursuant to Section 987.8, except that the defendant shall be
17 given credit for any amounts paid as a registration fee toward any
18 lien or assessment imposed pursuant to Section 987.8.

19 (e) This section shall be operative in a county only upon the
20 adoption of a resolution or ordinance by the board of supervisors
21 electing to establish the registration fee and setting forth the manner
22 in which the funds shall be collected and distributed. Collection
23 procedures, accounting measures, and the distribution of the funds
24 received pursuant to this section shall be within the discretion of
25 the board of supervisors.